

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
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DELETE, DELETE, DELETE ) GN Docket No. 25-133  
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To: The Commission

**COMMENTS  
OF THE  
NATIONAL WIRELESS COMMUNICATIONS COUNCIL**

The National Wireless Communications Council (“NWCC”) is pleased to see the Federal Communications Commission (“FCC”) taking steps to clear out regulatory underbrush, in particular addressing rules and policies that impose a burden on applicants and licensees and also on the FCC staff.<sup>1</sup> The NWCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. It acts on behalf of the vast majority of public safety, business, industrial, transportation, and private commercial radio users, as well as a diverse group of land mobile service providers and equipment manufacturers.<sup>2</sup> These entities represent the largest category of FCC applicants, filing

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<sup>1</sup> *Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133, DA 25-219 (rel. Mar. 12, 2025).

<sup>2</sup> NWCC membership includes the following organizations: American Association of State Highway and Transportation Officials (“AASHTO”); American Automobile Association (“AAA”); American Petroleum Institute (“API”); Association of American Railroads (“AAR”); Association of Public-Safety Communications Officials-International, Inc. (“APCO”); Aviation Spectrum Resources, Inc. (“ASRI”); Enterprise Wireless Alliance (“EWA”); Forest Industries Telecommunications (“FIT”); Forestry-Conservation Communications Association (“FCCA”); Government Wireless Technology & Communications Association (“GWTCA”); International Association of Fire Chiefs (“IAFC”); International Municipal Signal Association (“IMSA”); MRFAC, Inc. (“MRFAC”); Telecommunications Industry Association (“TIA”); The Monitoring Association (“TMA”); Utilities Technology Council (“UTC”); and Wireless Infrastructure Association (“WIA”).

approximately 20,000 applications annually pursuant to regulations, primarily in Part 90 of the FCC rules, that may not have been updated in decades.

While there are numerous Part 90 rules that are no longer relevant and could be deleted, the NWCC's focus is on regulations and policies that are actively counter-productive and often delay the more effective use of the limited spectrum allocated for this use. Some of the recommendations below are already before the FCC. In those cases, the proceeding is identified.

- Applications for recovered narrowband/wideband spectrum held in inventory by the FCC, specifically services authorized under 47 C.F.R. §§ 22.503 (VHF/UHF Paging), 90.601 et seq. (SMR), 90.701 et seq. (220 MHz), 80.475 et seq. (AMTS), and 95.1901 et seq. (218- 219 MHz), could be coordinated on an exclusive basis by FCC-certified Frequency Advisory Committees ("FACs") with decades of experience in and with proven processes for handling such requests while avoiding mutual exclusivity. FACs have developed a process for handling Part 90 "central station" channels, for 470-512 MHz ("T-Band") channels after the T-Band freeze was lifted, and for post-rebanding 800 MHz Sprint-Vacated, Expansion Band, and Guard Band channels. The process allowed this spectrum to be placed into productive use efficiently and without any instance of mutual exclusivity requiring FCC involvement. This has not been opposed by any party. (WT 24-72)
- The FCC should amend Rule Section 1.948 and remove the prior approval requirement for all *pro forma* transactions that currently are subject to prior

approval procedures, as proposed in the Petition for Rulemaking and Declaratory Ruling filed jointly by CTIA – The Wireless Association (CTIA) and USTelecom. The rules should be replaced with a 30-day post-consummation notification filing. The Petition received broad industry support. Prior FCC consent is particularly inappropriate for the great majority of Part 90 licensees that are not required to file FCC Forms 602 describing their ownership when they apply for non-auctioned licenses. FCC consent to a *pro forma* change in ownership when the FCC has no knowledge of the current ownership structure serves no purpose but delays actions deemed necessary and appropriate by the licensee. (WT 20-186)

- Rule Section 1.948(g) should be modified to significantly extend the current 30-day period within which applications for involuntary transfers and assignments are required to be filed upon the death or legal disability of a permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee. That timeframe is unrealistic given the number of other actions that must be taken when such events occur. It is often the case that no one has legal authority to act on behalf of the licensee/permittee within that time period. The FCC recognizes those realities and has been cooperative in granting waivers when consent is requested more than 30 days after the event, but a more realistic deadline would reduce the number of waivers FCC staff needs to process. Additionally, the clock for

making such filings should run from the time an executor, conservator, or agent has been designated to act on behalf of the licensee.

- The FCC Forms 601 and 603 require an applicant or assignee/transferee to disclose a felony irrespective of when the conviction occurred. The result is that applicants are required to submit the identical felony disclosure statement tens, hundreds, or even thousands of times depending on their license holdings, often for felonies committed many decades ago. Including the disclosure disqualifies the application from Immediate Approval Processing and requires FCC staff to review it. To eliminate this duplicative effort by the party filing the application and the FCC staff required to review the statement, the NWCC recommends that the forms be modified to add the following italicized qualifier to the question: *ever been convicted of a felony by any state or federal court that has not previously been disclosed to the FCC?* Alternatively, the FCC should specify that felony convictions beyond a certain period, perhaps ten years, need not be disclosed.
- The NWCC recommends that the FCC Operating Bureaus again be given discretion to act on waiver requests without requiring that they be placed on Public Notice when the requests are not precedential and when the issues involved are narrow, clear-cut, and within the expertise of FCC staff.<sup>3</sup> In recent years, it seemingly has become standard practice to have the Bureaus seek public input on waiver requests even when it is unlikely that any member of

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<sup>3</sup> APCO opposes this specific NWCC recommendation.

the public has a cognizable interest. The Public Notice process adds significant time to the licensing process and involves staff time that could be assigned more productively to other tasks.

Recently, the FCC placed on Public Notice the application and waiver request from a town asking to use a single public safety frequency reserved primarily for state police use. The application included a statement explaining why the available public safety frequencies for which it is eligible were not usable and a letter from a public safety FAC stating it had no objection to the waiver. The application was also accompanied by a letter from the state police supporting the request.

The NWCC offers no opinion about the adequacy of the town's showing regarding the issues with the frequencies for which it is eligible. However, it is confident that FCC staff is capable of making that determination. The NWCC fails to see what public input is likely to add to the FCC's analysis, particularly given support from the one potentially affected party – the state police. Placing the waiver request on Public Notice will add a minimum of weeks to the processing time even if no one files a comment or reply, which is likely.

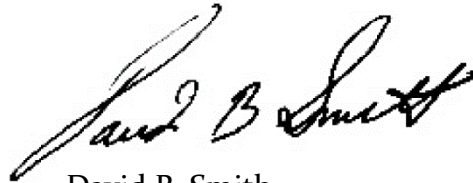
The FCC has also placed on Public Notice each of five essentially identical waiver requests from the State of Michigan Department of Technology, Management, and Budget asking to be allowed to share its 800 MHz spectrum with a utility. Each request was supported by appropriate documentation that the FCC was fully qualified to evaluate without input from the public, at least after it had

reviewed and granted the first request. FCC staff should be given discretion to act on such matters based on its knowledge of the rules and its judgment regarding the public interest without the delay of a Public Notice process.

The NWCC looks forward to working with the FCC on the rule changes and other matters detailed above in the FCC's efforts to alleviate unnecessary regulatory burdens.

Respectfully submitted,

**NATIONAL WIRELESS  
COMMUNICATIONS COUNCIL**

A handwritten signature in black ink, appearing to read "David B. Smith". The signature is written in a cursive, flowing style with a large initial 'D'.

David B. Smith  
President  
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April 11, 2025